

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

YORK J. BARRETT,

Plaintiff,

v.

DEPARTMENT OF VETERANS  
AFFAIRS, et al.,

Defendant.

CASE NO. 21-CV-05265-LK

ORDER TO SHOW CAUSE

On January 11, 2022, the Court ordered Plaintiff to show cause why this matter should not be dismissed without prejudice for failure to prosecute because Plaintiff had failed to provide proof of proper service on Defendants. *See* Dkt. No. 6 at 1; Fed. R. Civ. P. 4(m). Plaintiff thereafter filed certified mail receipts indicating that he had mailed summonses and complaints to the individual Defendants. Dkt. Nos. 7–8. Where, as here, a party is suing a federal agency or employee in an official capacity, the party “*must serve the United States* and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or employee.” Fed. R. Civ. P. 4(i)(2) (emphasis added). Plaintiff has not properly served

1 the United States. *See* Fed. R. Civ. P. 4(i)(1) (outlining process for serving the United States).  
2 And to the extent that Plaintiff wishes to sue Defendants in their individual capacities, he “must  
3 serve the United States and also serve the officer[s] or employee[s] under Rule 4(e)[.]” Fed. R.  
4 Civ. P. 4(i)(3). *See* Fed. R. Civ. P. 4(e) (outlining process for serving an individual).

5 Plaintiff is ORDERED to show cause by March 10, 2022, why the Court should not  
6 dismiss this matter without prejudice for failure to properly serve Defendants. Absent a timely  
7 response, the Court shall dismiss this matter without prejudice.

8 Dated this 8th day of February, 2022.

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Lauren King  
11 United States District Judge  
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